

Atty Docket No. 023070-138220US

PTO FAX NO.: (703) 872-9306

ATTENTION: Examiner Dave Nguyen  
Group Art Unit 1632**RECEIVED  
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**OFFICIAL COMMUNICATION**

**FOR THE PERSONAL ATTENTION OF**

**EXAMINER DAVE NGUYEN**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents, in re Application of Michael German *et al.*, Application No. 09/811,323, filed March 16, 2001, for DELIVERY OF THERAPEUTIC GENE PRODUCTS BY INTESTINAL CELL EXPRESSION, is being transmitted via facsimile to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Transmittal Form
2. Fcc Sheet
3. Communication
4. Terminal Disclaimer Form PTO/SB/26

Number of pages being transmitted, including this page: 5

Dated: December 4, 2003

  
Angelie Rivera

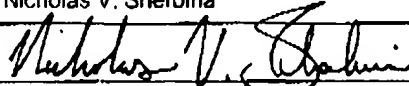
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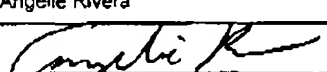
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: (206) 467-9600  
Fax: (415) 576-0300  
60094148 v1

PTO/SB/21 (08-03)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/811,323
		Filing Date	March 16, 2001
		First Named Inventor	Michael German et al.
		Art Unit	1632
		Examiner Name	Dave Nguyen
Total Number of Pages in This Submission	5	Attorney Docket Number	023070-138220US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard and Communication
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP Nicholas V. Sherbina Reg. No. 54,443
Signature	
Date	December 4, 2003

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being transmitted via facsimile to the Patent and Trademark Office, Fax No. (703) 872-9306 on December 4, 2003.	
Typed or printed name	Angelic Rivera
Signature	
Date	December 4, 2003

60094226 v1

PTO/SB/17 (10-03)

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 55

## Complete if Known

Application Number	09/811,323
Filing Date	March 16, 2001
First Named Inventor	Michael German et al.
Examiner Name	Dave Nguyen
Art Unit	1632
Attorney Docket No.	023070-138220US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit AccountDeposit  
Account  
Number

20-1430

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Account  
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Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
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## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	770	2001 385 Utility filing fee	
		1002	340	2002 170 Design filing fee	
		1003	530	2003 265 Plant filing fee	
		1004	770	2004 385 Reissue filing fee	
		1005	160	2005 80 Provisional filing fee	

SUBTOTAL (1)

(\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
		1202	18	2202 9 Claims in excess of 20
		1201	88	2201 43 Independent claims in excess of 3
		1203	290	2203 145 Multiple dependent claim, if not paid
		1204	88	2204 43 ** Reissue independent claims over original patent
		1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	2051 65 Surcharge - late filing fee or oath	
		1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
		1053	130	1053 130 Non-English specification	
		1812	2,520	1812 2,520 For filing a request for reexamination	
		1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
		1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
		1251	110	2251 55 Extension for reply within first month	
		1252	420	2252 210 Extension for reply within second month	
		1253	950	2253 475 Extension for reply within third month	
		1254	1,480	2254 740 Extension for reply within fourth month	
		1255	2,010	2255 1,005 Extension for reply within fifth month	
		1401	330	2401 165 Notice of Appeal	
		1402	330	2402 165 Filing a brief in support of an appeal	
		1403	290	2403 145 Request for oral hearing	
		1451	1,510	1451 1,510 Petition to institute a public use proceeding	
		1452	110	2452 55 Petition to revive - unavoidable	
		1453	1,330	2453 665 Petition to revive - unintentional	
		1501	1,330	2501 665 Utility issue fee (or reissue)	
		1502	480	2502 240 Design issue fee	
		1503	640	2503 320 Plant issue fee	
		1460	130	1460 130 Petitions to the Commissioner	
		1807	50	1807 50 Petitions related to provisional applications	
		1806	180	1806 180 Submission of Information Disclosure Stmt	
		8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
		1809	770	2809 385 Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810	770	2810 385 For each additional invention to be examined (37 CFR § 1.129(b))	
		1801	770	2801 385 Request for Continued Examination (RCE)	
		1802	900	1802 900 Request for expedited examination of a design application	

Other fee (specify) Statutory Disclaimer Fee

55.

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)55

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)

Nicholas V. Sherbina

Registration No. (Attorney/Agent)

54,443

Telephone

208-487-9600

Signature

Date

December 4, 2003

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December 4, 2003

By: 

PATENT  
Docket No.: 023070-138220US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Michael German *et al.*

Application No.: 09/811,323

Filed: March 16, 2001

For: DELIVERY OF THERAPEUTIC  
GENE PRODUCTS BY  
INTESTINAL CELL EXPRESSION

Examiner: Dave Nguyen

Art Unit: 1632

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

During an interview with Examiner Dave Nguyen on December 3, 2003, it was noted that a reference to U.S. Patent No. 6,225,290, issued on May 1, 2001, was inadvertently omitted from the previous Terminal Disclaimer filed on March 7, 2003. Therefore, we are submitting herewith a second Terminal Disclaimer which references U.S. Patent No. 6,225,290. Applicants respectfully request that the attached Terminal Disclaimer be entered.

Respectfully submitted,

Dated: December 4, 2003

By: 

Nicholas V. Sherbina  
Reg. No. 54,443

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